

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

<b>MARTY ARNETT,</b>	)	
	)	
<b>Petitioner</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:05cv0631 AS</b>
	)	
<b>JOHN R. VANNATTA,</b>	)	
	)	
<b>Respondent</b>	)	

***MEMORANDUM, OPINION AND ORDER***

On or about October 4, 2005, this pro se petitioner, Marty Arnett, filed the within petition seeking relief under 28 U.S.C. §2254. The filings made by the Attorney General of Indiana on July 7, 2006, demonstrates the necessary compliance with *Lewis v. Faulkner*, 689 F.2d 100 (7th Cir. 1982). The court also notes the filing of supplemental exhibits on August 29, 2006 by this pro se petitioner. This court is well aware of its obligations under *Haines v. Kerner*, 404 U.S. 519 (1972). *But see McNeil v. United States*, 508 U.S. 106 (1993).

This petitioner is a convicted felon serving a sentence imposed by a court in the State of Indiana. At the time of the filing of this petition, he was incarcerated in the Miami Correctional Facility in Bunker Hill, Indiana in this district. He had been the subject of a prison disciplinary proceeding entitled IYC 04-04-0138. The sanction included a 30-day earned credit time deprivation which on its face would implicate *Wolff v. McDonnell*, 418 U.S. 539 (1974). The Attorney General has placed before this Court a series of documents

designated A through H2, both inclusive, which explicate in great detail the proceedings involved.

The proceedings designated occurred in the Plainfield Correctional Facility, which is not within this district, but within the territorial area of the U.S. District Court for the Southern District of Indiana. The Attorney General argued in his presentation of July 5, 2006 that there is some problem here with *Markham v. Clark*, 978 F.2d 993 (7th Cir. 1992), as well as *Eads v. Hanks*, 280 F.3d 728 (7th Cir. 2002). The record shows that there has been a failure to invoke available administrative remedies, and at this time the case is **STAYED** pending an opportunity for this respondent and the Attorney General to address the petition on the merits, as indicated in footnote two of the Attorney General of Indiana's memorandum in support of motion to dismiss filed July 5, 2006. The Attorney General of Indiana is now **GRANTED** until November 20, 2006 in which to file a response on the merits. The petitioner is given until December 4, 2006 in which to file a written reply. **IT IS SO ORDERED.**

**DATED:** September 27, 2006

**S/ ALLEN SHARP**  
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**THE HONORABLE ALLEN SHARP**  
**JUDGE, UNITED STATES DISTRICT COURT**